IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION



JAMES BUSSEY

Plaintiff,

Civil Action No: 1:25-CV-2624-VMC

V.

DELTA COMMUNITY

CREDIT UNION,

Defendant,

PLAINTIFF'S MOTION TO DECLARE VEHICLE DEBT WAS VOID

{Violations of TILA Rescission, Due Process, and unlawful Repossession}

TO THE HONORABLE COURT:

COMES NOW, James Bussey plaintiff, moves this Court to declare the vehicle debt void under 15 U.S.C.

Subsection 1635 {f} {TRUTH IN LENDING ACT} and 12 cfr
1026.23{b} {Reguulation z} due to the defendant's failing to fully disclose the so call contract and failure to honor rescission within 20 days of notice {06/05/2024}.

Plaintiff states:

- 1. Unlawful repossession without a court order {5th/14th Amendment Due Process violation}.
- 2. Repo company lack of state registration (constituting auto theft under GEORGIA law.

LEGAL ARGUMENT

- 1. Debt is VOID Under Rescission {15 U.S.C.SUBSECTION 1635 {F}
- -Plaintiff exercised right to rescind the loan contract on 06/05/2024 due to:
- -Failure to provide clear TILA disclosures {15 U.S.C. Subsection 1635 {A}
- -Defendant ignored recission notice (violating 12 cfr 1026.23 {b}.
- TILA mandates aurtomatic voiding of security intrest if creditor fails to respond within 20 days wiithout a court order. Plaintiff sent a rescission on 06/05/2024 with no response from Delta Community Credit Union to date. {see attachment A}
- **Remedy:** Court must cancel debt {Belini v. Wash, Mut Bank, 412 F. 3d 17 {1st Cir, 2005}
- 2. Due Process Violation (5th/14th Amendment)
- -Defendant repossessed **plaintiff's vehicle without a court** order, violating:
- -Due Process Clause (Fuentes v. Shevin, 407 U.S. 67 (1972) Creditors cannot seize property without a hearing.

- -Admission by Defendant's attorneys in defendant's last motion **DEFENDANT'S INITIAL DISCLOSURES** proves violation.
- 3. Repo Company Lack Registration = Auto Theft
- -Plaintiff check **SECRETARY OF STATE** website and found no registration for **PAR NORTH AMERICA**.

-CASE LAW: Mbank El Paso v. Sanchez {836 S.W. 2D 151 {TEX,1992}- UNLICENSED REPO = CONVERSON {THEFT}.

PRAYERS FOR RELIEF

1. Declare the vehicle debt VOID under TILA rescission

Respectfully Submitted,

James Bussey

455 Liberty Trace

Roswell Ga, 30076

404-993-3925

Jamesbussey72@yahoo.com

June 20th 2025

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this motion was served on Defendant's counsel thru certified mail on MAY 20TH 2025

James Bussey

Och 20th 12025

AFFIDAVIT IN WRITING

LOAN # 66643

JUNE 1 2024

DEAR CORPORATE LEGAL DEPARTMENT

I JAMES BUSSEY IS PUTTING IN WRITING MY RIGHTS TO RESCIND MY LOAN CONTRACT DUE FRAUD .. ACCORDING TO DELTA CU THEY FALSELY MADE CLAIMS THAT THEY FUNDED THE LOAN TO PURCHASE TRUCK ... I NOTICE THEY ALSO MADE FALSE STATEMENTS AS WELL ON MY WIFE'S {MARIANA BUSSEY} CONTRACT {LOAN # 0045} AS WELL .. NOW ACCORDDING GA CODE ss 13-4-62 A PARTY MAY RESCIND A CONTRACT WITHOUT THE CONSENT OF THE OPPOSITE PARTY ON THE GROUNDS OF NON PERFORMANCE BY THAT PARTY BUT ONLY WHEN BOTH PARITES CAN BE RESTORED TO THE CONDITION IN WHICH THEY WERE BEFORE THE CONTRACT WAS MADE .. NOW ACCORDING TO THE UNIFORM COMMERCIAL CODES AND THE TRUTH AND LENDING ACT DELTA CU HAS MADE FRAUDULENT STATEMENTS ABOUT PROVIDING ME {JAMES BUSSEY} A LOAN TO PURCHASE A TRUCK .. UNDER TITLE 12 USC 1431 BANKS CANNOT LEND MONEY THEIR JOB IS TO BORROW MONEY .. ALSO UNDER TITLE 18 USC ss 894 COLLECTION OF EXTENSION OF CREDIT BY EXTORTIONATE MEANS {A} WHOEVER

KNOWINGLY PARTICIPATES IN ANYWAY, OR CONSPIRE TO DO SO IN THE USE OF ANY EXTORTIONATE MEANS

- [1] TO COLLECT OR ATTEMPT TO COLLECT AMY EXTENSION OF CREDIT OR
- {2} TO PUNISH ANY PERSON FOR THE NONREPAYMENT THEREOF SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN 20 YEARS OR BOTH

NOW WITH THAT BEING SAID A CONTRACT MUST HAVE THE SIGNATURES OF ALL PARTIES TO THE CONTRACT IF I {JAMES BUSSEY} AM THE ONLY TO SIGNATORY I GAVE DELTA CU A SECURITY AND NOT A CONTRACT. WHICH PROVES MY CASE OF FRAUD AND MY RIGHTS TO RESCIND .. DUE TO FACTS OF THE UCC ss 3-311 ACCORD AND SATISFACTION BY USE OF INSTRUMENT {A} IF A PERSON AGAINST WHOM A CLAIM IS ASSERTED PROVES THAT {I} THE PERSON IN GOOD FAITH TENDERED AN INSTRUMENT TO THE CLAIMANT AS FULL SATISFACTION OF THE CLAIM {I} THE AMOUNT OF THE CLAIM WAS UNLIQUIDATED OR SUBJECT TO A BONA FIDE DISPUTE AND (III) THE CLAIMANT OBTAINED PAYMENT OF THE INSTRUMENT, THE FOLLOWING SUBSECTIONS APPLY. WHICH MEANS THAT DELTA CU IS COMMITING FRAUD IN THEIR SO CALLED LENDING PRACTICE AND IT'S BEING

EXPOSED .. SO PLEASE GOVERN YOURSELF ACCORDINGLY IN THIS MATTER TO AVOID LITIGATION ..

THE STATE OF THE S

THANKS JAMES BUSSEY



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